

REMARKS

In response to the above-identified Office Action (“Action”), Applicant submits the following amendments and remarks and seeks reconsideration thereof. Claims 1-129 are now pending in the present application. Claims 1-129 are rejected in the outstanding Action. In this response, claims 1, 36, 61, 83, 94, 103, 112 and 120 are amended, no claims are added and no claims are cancelled.

I. Examiner Interview

Applicant acknowledges with appreciation the Examiner’s granting of an Examiner’s Interview on October 25, 2007 via telephone with Applicant’s Attorney Stacie J. Sundquist. During the interview the rejection of claims 1-129 under 35 U.S.C. §103 over U.S Patent Publication 2002/0152474 assigned to Dudkiewicz (“Dudkiewicz”) in view of U.S. Patent No. 6,317,881 issued to Shah-Nazaroff et. al. (“Shah-Nazaroff”) was discussed. In particular, it was discussed that the instant application is directed to an implicit user feedback system in which content pieces are rated before they are scheduled for broadcasting whereas Dudkiewicz relies upon explicit user feedback based upon a previously determined program guide. The Examiner indicated that if the claims were amended to more clearly point out these distinctions the prior art may be overcome.

II. Claim Amendments

Applicant respectfully submits herewith amendments to claims 1, 36, 61, 83, 94, 103, 112 and 120. The claims are amended to clarify that the claimed rating feedback is used to determine a broadcast schedule for content pieces prior to transmitting the content pieces from the broadcast source. Support for the amendments to the claims may be found, for example, on pages 12 and 20-21 of the application. Accordingly, the amendments are supported by the specification and do not add new matter. Applicant respectfully requests consideration and entry of the amendments to claims 1, 36, 61, 83, 94, 103, 112 and 120.

III. Claim Rejections – 35 U.S.C. 103

In the outstanding Action, claims 1-129 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S Patent Publication 2002/0152474 assigned to Dudkiewicz (“Dudkiewicz”)

in view of U.S. Patent No. 6,317,881 issued to Shah-Nazaroff et. al. ("Shah-Nazaroff"). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest the claimed combination of elements or identify an apparent reason to combine prior art elements in the manner claimed.

In regard to independent claims 1, 36, 61, 83, 94, 103, 112 and 120, Applicant respectfully submits neither Dudkiewicz nor Shah-Nazaroff, alone or in combination, teach or suggest or provide any apparent reason for at least the element of a rating algorithm as claimed for generating a rating feedback for determining a broadcast schedule prior to broadcasting the content pieces from the broadcast source to the client systems as recited in amended claims 1, 36, 61, 83, 94, 103, 112 and 120.

As previously discussed, and acknowledged by the Examiner during the Examiner Interview, Dudkiewicz discloses a system for generating metadata for video programming events using explicit user feedback and known broadcast data and time frames. Similarly, Shah-Nazaroff requires explicit user feedback via a questionnaire sent to the viewer for completion after a broadcast has been received and viewed by the viewer. See Shah-Nazaroff, col. 3, lines 22-55. The techniques in both Dudkiewicz and Shah-Nazaroff rely upon known broadcast schedules. Such techniques occur well after that of the instant claims which provide a system for rating content pieces prior to scheduling. Accordingly, neither Dudkiewicz nor Shah-Nazaroff, alone or in combination, teach or suggest or provide any apparent reason for a rating algorithm as claimed for generating a rating feedback for determining a broadcast schedule prior to broadcasting the content pieces from the broadcast source to the client systems as recited in amended claims 1, 36, 61, 83, 94, 103, 112 and 120.

In regard to dependent claims 2-35, 37-60, 62-82, 84-93, 95-102, 104-111, 113-119 and 121-129, these claims depend from claims 1, 36, 61, 83, 94, 103, 112 and 120 respectively and incorporate the limitations thereof. Thus, for at least the reasons that claims 1, 36, 61, 83, 94, 103, 112 and 120 are not *prima facie* obvious over the cited art, claims 2-35, 37-60, 62-82, 84-93, 95-102, 104-111, 113-119 and 121-129 are further not obvious over Dudkiewicz alone or in combination with Shah-Nazaroff. Accordingly, Applicants respectfully request reconsideration

and withdrawal of the rejection of claims 2-35, 37-60, 62-82, 84-93, 95-102, 104-111, 113-119 and 121-129 under 35 U.S.C. 103 over Dudkiewicz and Shah-Nazaroff.

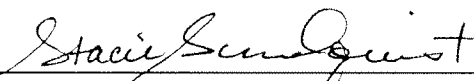
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely, claims 1-129, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

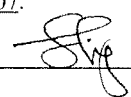
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on October 26, 2007.


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